



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

August 29, 2013

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To: Supervisor Mark Ridley-Thomas, Chairman
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From: William T Fujioka
Chief Executive Officer

MOTION TO PURSUE SPONSORSHIP AND SUPPORT OF STATE AND FEDERAL LEGISLATION TO ENHANCE THE PENALTIES FOR INDIVIDUALS WHO SEXUALLY EXPLOIT CHILDREN (AGENDA ITEM NO. 5, MEETING OF SEPTEMBER 3, 2013)

Item No. 5 on the September 3, 2013, Agenda is a motion by Supervisors Ridley-Thomas and Knabe to do the following:

- Direct the Chief Executive Officer to add sponsorship of State legislation that enhances penalties for consumers who sexually exploit children to the County of Los Angeles' legislative agenda;
- Send a five-signature letter to the California Legislature, including the Governor, Senate, Assembly and Attorney General calling for legislative changes to Penal Code Section 647(b) to increase penalties associated with consumers who pay for sex when the person being paid for sex is under the age of 18 years old;
- Direct the Chief Executive Officer and County Counsel to work with the District Attorney and the Sheriff's Department on the legislative changes set forth in the five-signature letter to the California Legislature; and

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- Support the bi-partisan Federal bill H.R. 2805: End Sex Trafficking Act of 2013 to strengthen Federal laws against child sex trafficking by sending a five-signature letter to Congress.

Existing State Law

Pursuant to existing law, anyone under the age of 18 cannot consent to sex with an adult, and any adult who engages in sexual acts with a minor is guilty of statutory rape, lewd conduct or other Penal Code violations related to unlawful sexual contact with children. Existing law related to prostitution prescribes that any person who solicits or who agrees to engage in or who engages in any act of prostitution is guilty of disorderly conduct which is a misdemeanor. However, existing law related to solicitation does not outline increased penalties if the individual being paid to perform sexual acts is under the age of 18 nor does it require those convicted of solicitation of a minor to register as a sex offender or provide information pursuant to Megan's Law.

Current Legislative Efforts

The Legislature is considering **SB 244 (Liu)**, which as amended on June 25, 2013, would require that any adult who solicits or who agrees to engage in or who engages in an act of prostitution where the other party to the act is a minor and is found in violation of that provision is punishable by imprisonment in a county jail for not less than 90 days.

SB 244 would impose a mandatory penalty of incarceration on individuals found in violation of the prohibition against solicitation for purposes of engaging in a sex act if the person paid to perform those acts is under the age of 18. The measure would maintain the violation as a misdemeanor but prescribe a specific sentence for those found guilty.

SB 244 is sponsored by the Los Angeles City Attorney and is supported by the Association for Los Angeles Deputy Sheriffs; High Road L.A.; Los Angeles Police Protective League; and the Riverside Sheriffs' Association. The bill is opposed by California Attorneys for Criminal Justice; California Public Defenders Association; and Taxpayers for Improving Public Safety.

SB 244 is currently in the Assembly Public Safety Committee and is a two-year bill.

End Sex Trafficking Act of 2013 (H.R. 2805/S. 1354)

H.R. 2805 (Poe, R-TX) and S. 1354 (Cornyn, R-TX), entitled the End Sex Trafficking Act of 2013, are identical bills, which seek to end the demand for sex trafficking by amending current law to clarify that patronizing and soliciting commercial sex acts when the victims are children is a Federal crime under the Trafficking Victims Protection Act.

The legislation also would instruct the United States Attorney General to ensure that all anti-trafficking task forces and working groups under the Innocence Lost Initiative increase the investigative capabilities of state and local law enforcement in the detection, investigation, and prosecution of persons who patronize or solicit children for sex. This initiative, which is headed by U.S. Department of Justice and National Center for Missing and Exploited Children, targets criminals involved in the commercial sexual exploitation of children through prostitution, including in the Los Angeles area.

Both bills were introduced on July 24, 2013, and have been referred to the Judiciary Committee of their respective houses. Neither informational hearings nor mark-ups have been scheduled on the legislation. H.R. 2805 has 30 cosponsors, including seven Democrats, while S. 1354 has one cosponsor - Senator Klobuchar (R-MN). No member of the County's Congressional delegation cosponsored the legislation before Congress began its summer recess on August 2, 2013.

Conclusion

Based on recent statistics collected by State and Federal sources, the trafficking of children in the sex industry is widespread in the United States. According to a United States Department of Justice study, close to 300,000 children are at risk of commercial sexual exploitation. California has three of the Federal Bureau of Investigation's 13 High Intensity Child Prostitution Areas, including Los Angeles. The average age that a victim is first trafficked for sexual exploitation is 12 to 14 years old, although some victims are much younger and can be as young as nine years old.

According to advocates working to stop child sex trafficking at the Federal and State levels, young girls and boys who are victims of sex trafficking are often arrested and prosecuted for prostitution-related offenses without acknowledgment of their age. Conversely, pimps who engage in the sex trafficking of children and the consumers who solicit sex where the individual is underage often face only misdemeanor charges and in certain circumstances, can seek expungement of their record at later date. According to advocates, current penalties for solicitation and child sex trafficking do not recognize the victimization of minors and create no deterrent for those who solicit sex from minors.

To respond to concerns regarding child sex trafficking, on March 5, 2013, the Board directed this office and the Sacramento advocates to co-sponsor **SB 473 (Block)**, which as amended on June 27, 2013, would add pimping, pandering and human trafficking to the list of felony offenses that may be used to establish a pattern of criminal gang activity pursuant to Proposition 21 and make an individual eligible for enhanced criminal sentences and penalties. SB 473 is currently on the Assembly Appropriations Suspense File and is scheduled for consideration on August 30, 2013.

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As there is no specific Board-approved State or Federal policy related to increasing penalties for consumers who solicit sex when the person being paid is under the age of 18 or to support H.R. 2805, the End Sex Trafficking Act of 2013, **approval of this motion is a matter of Board policy determination.**

If the motion is approved, this office will work with all affected departments on the specific legislative changes outlined to address this issue.

WTF:RA
MR:KA:MT:ma

c: Executive Office, Board of Supervisors
County Counsel